

Case 3:09-cv-00765 Document 34 Filed 05/28/10 Page 1 of 2 PageID #: 116

(Docket Entry No. 32, Attachments thereto), but none of these papers cited the Defendant Donaldson's alleged failure to protect her, but rather Plaintiff complained of Donaldson's failure to "have done a better job of telling me to stay to myself." Id. at 7.


Under the Prison Litigation Reform Act ("PLRA") "No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C.A. § 1997e(a). PLRA exhaustion is required of all prisoners seeking redress under Section 1983 and is mandatory. Porter v. Nussle, 534 U.S. 516, 524 (2002). With this evidentiary showing, it is undisputed that Plaintiff did not file any grievance about the alleged acts and omissions of these Defendants at issue in this action. The Court concludes that Plaintiff did not file any grievances on the matters giving rise to her complaint in this action.

Thus, the Defendants' motion for summary judgment is **GRANTED** and this action is **DISMISSED without prejudice** for lack of jurisdiction. Plaintiff's motion (Docket Entry No. 32) is **GRANTED** and Plaintiff's claims against Defendants Boles and Hutchinson are **DISMISSED with prejudice**.

This is the Final Order in this action. Any appeal of this Order would not be in good faith, as required by 28 U.S.C. § 1983(a)(3).

It is so **ORDERED**.

ENTERED this the 25th day of May, 2010.


WILLIAM J. HAYNES, JR.
United States District Judge